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The meeting opened at 7:00 p.m. Present were: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime.

Petition No.: 3740  
Petitioner: Northfield Commons  
Premises Affected: 5 + 7 Webster St., 69 North St.  
Members: Anderson, Reilly, Bevacqua, Jeton, Brown

A request to continue to April 17, 2008 was received from the Petitioner. Brown made a motion to continue to 4/17/08. Jeton seconded the motion & the Board voted (6-0) to continue the hearing to 4/17/08.

Petition No.: 3768 + 3777  
Petitioner: J + B Realty Trust  
Premises Affected: 11 + 19 Lupine Rd  
Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

Brown made a motion to allow the request to withdraw without prejudice. Jeton seconded the motion & the Board voted (6-0) to continue allow the withdrawal without prejudice.

Petition No.: 3744  
Petitioner: Andover Public Schools  
Premises Affected: 80 Shawsheen Road  
Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

Petitioners' submitted a request to continue the public hearing to 4/17/08. Jeton made a motion to continue the hearing to 4/17/08. Bevacqua seconded the motion & the Board voted (6-0) to continue the hearing to 4/17/08.

Petition No.: 3773  
Petitioner: Howard & Krull  
Premises Affected: 15 Topping Road  
Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

Ivy Krull represented herself in her request to construct a deck that would not meet the minimum setback requirement. She submitted photos of the house, which is located in SRA on a corner lot. The Board informed Ms. Krull that she will need a certified plot plan, if approved, in order to get a building permit for the deck. Anderson made part of the record a letter from Building Inspector Christopher Clemente regarding the need for a certified plot plan. The Board waived a site view. Jeton made a motion to close the public hearing. The Board voted unanimously to close the public hearing. Brown proposed approval with two conditions: no part of the deck or the ramp can be any closer to the side property line than any portion of the existing house and a certified plot plan shall depict the setbacks of the building. The Board voted unanimously to grant the special permit with conditions. Variances are denied as moot. Brown will write the decision.

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Petition No.: 3769

Petitioner: Smith

Premises Affected: 38 Wild Rose Drive

Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

No one was present to represent the application. Bevacqua made a motion to continue the hearing to the regular May meeting on the condition that they extend the time the Board has to act, otherwise it will be denied without prejudice. Reilly seconded the motion & the Board voted unanimously to continue the hearing to May on the condition that they extend the time the Board has to act or otherwise it will be denied without prejudice.

Petition No.: 3774

Petitioner: Atria Management

Premises Affected: 15 Stevens St

Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

Paul Finger, of Paul Finger Associates, represented the Petitioner. Also present were James Lane, of Atria Group, and Richard Kaminski, engineer with Kaminski Associates. Finger gave an overview of the proposed 12' wide driveway/sidewalk to an outdoor patio/plaza at Marland Place that will extend from the front door. The Bylaw requires a minimum 14' wide driveway for one-way traffic. The Fire Dept. has reviewed & approved it. The original approval for the assisted living facility allowed a 16.7' driveway. The Board discussed alternatives, including demolition of part of the existing structure to make more room). Mr. Lane explained the change in the grade being too great to maneuver with wheel chairs & walkers from other egresses. The Fire Dept. supports the proposal. Finger will submit their e mail for the record adding that if there were any life safety issues, they wouldn't have come to the ZBA for relief. Atria is also trying to create portage along the Shawsheen River for public use. Several residents from the Powder Mill Square Condominium Trustee Association (David & Pat Bales, Ann McGonigle) raised concern about the bridge between the properties, its use for vehicular traffic & increased public access. Finger stated that the bridge is used for emergency vehicles with the gate left open in winter for easier access. Anderson asked if the Board wants further analysis to determine alternatives to the current proposal. The Board does not. Jeton made a motion to close the public hearing. Brown seconded the motion & the Board voted unanimously to close the public hearing. Bevacqua is off the case. The Board then deliberated. Jeton feels it's reasonable. Brown agreed. Anderson noted that the shape, topography & placement of the building & the proximity of the river reinforce the previous variance. Jeton made a motion to approve a variance. Brown seconded the motion & the Board voted (5-0) to approve the variance.

Petition No.: 3769

Petitioner: Smith

Premises Affected: 38 Wild Rose Drive

Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

Joyce Smith, owner since July 2007, represented her own request for a special permit for the use

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of an existing family dwelling unit by her father. There were not questions from either the Board or the public. Bevacqua made a motion to close the hearing. Reilly seconded the motion & the Board voted (5-0, Brown off) to close the hearing. Anderson made a motion to issue a new special permit for a new 5-year period with the same two conditions (5 yr. limit & when the need for the unit ceases, the kitchen shall be dismantled). Bevacqua seconded the motion & the Board voted (5-0) to grant the special permit with conditions. Reilly will write the decision. Jeton asked Reilly to note the original special permit in 2002.

Petition No.: 3776

Petitioner: Doherty

Premises Affected: 16 Cutler Road

Members: Anderson, Reilly, Bevacqua, Jeton, Brown, and Baime

Attorney Robert Lavoie represented the Doherty's in their request for relief to build an addition. The existing house was built in 1953 +/- and is on a corner lot. Lavoie submitted a floor plan & a site plan. The lot was not originally a corner lot, but was rendered so in 1972 when Bateson Drive was built. The house conformed to zoning at the time of construction. The proposed addition will be at least 25' off Bateson Dr., where 40' is required. They have spoken to & received the support of some neighbors. Lavoie submitted front/rear elevations. Sanford Greenberg, 28 Bateson Dr., voiced concern with the scope of the proposal & removal of trees that act as a buffer. Mrs. Doherty stated that they will add evergreens to increase privacy. Anderson asked the Doherty's & Mr. Greenberg to step into the hall to discuss privacy buffer options. Anderson suspended the hearing.

Anderson recused himself from the wireless communications applications & left the room.

Petition No.: 3770, 3771, 3772

Petitioner: Metro PCS

Premises Affected: 168 River Rd, 311 Lowell St, and 119 Chandler Rd

Members: Reilly, Bevacqua (Clerk), Jeton (Chair), Brown, and Baime

William McQuade, NE Wireless, represented the petitioner. Also present were Matt Boles, RF Engineer, Franz Pierre & Kate Redman, both of Metro PCS. They wish to collocate panel antennas on three existing monopoles. At 168 River Rd, the antennas will be at 70' on the 125' monopole with equipment in the existing compound. Metro will be the fifth carrier with the lowest antennas on this pole. Brown asked for a coverage map combining all three monopoles throughout town to show coverage gaps. McQuade explained that this is a market launch for Metro PCS and there is no existing service in Andover. Jeton asked if all three sites have similar conditions. McQuade stated that one monopole is higher. At 119 Chandler Road, the 3 antennas with two panels each will be at 160', below the other carriers on that particular pole.

Joanne Stinson, 8 Matthew St., voiced concern over electromagnetic emissions & cancer. She submitted photos of her house. McQuade declined to comment on health issues & referred to the FCC Act. Jeton explained the FCC Act noting that the ZBA can't deny an application based on aesthetics or health issues. She suggested writing to congress, adding that the ZBA can only regulate structural integrity. Baime made a motion to close all three hearings. Reilly seconded the motion & the Board voted (5-0) to close all three public hearings. Reilly made a motion to

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approve all three as presented. Bevacqua seconded the motion & the Board voted (5-0) to grant all three. Jeton will write the decisions.

At 8:48 p.m. Anderson re-entered the room. The Board then resumed the hearing for 16 Cutler Rd. (#3776).

Lavoie informed the Board that his clients spoke with Mr. Greenberg who submitted a letter in support, provided that proper green space & grading be maintained. Brown asked Lavoie when double frontage setback was put in the Bylaw. Lavoie believed it was in 1960 +/- . Brown asked for a certified plot plan of the proposed addition's setbacks. Lavoie suggested a condition of substantial conformity because his clients don't want to pay for a survey without approval. Anderson asked if they could submit a plot plan depicting the envelope and the Board could condition the addition not be any closer than 'x'. Lavoie agreed that they could do this within a week. Jeton made a motion to close the hearing. Reilly seconded the motion & the Board voted unanimously to close the hearing. Baime sat off the case. Brown made a motion to grant a special permit with the condition that a plot plan with building envelope of proposed addition be submitted. Jeton seconded the motion & made a motion to deny the variance. The Board voted unanimously to grant the special permit with condition & to deny the variance. Brown will write the decision.

Petition No.: 3775

Petitioner: Hairston

Premises Affected: 39 Rattlesnake Hill Rd

Members: Reilly, Bevacqua (Clerk), Jeton (Chair), Brown, and Baime

Colin Callahan, builder, & Alan Hairston, owner, presented the application to construct a 24'x32' rear addition onto a pre-existing, non-conforming dwelling that is located on a corner lot. The addition and the existing house do not meet setbacks. The lot is very rocky, therefore limiting the location of the house & addition. Bevacqua asked about the proposed porch. Hairston explained that it will be moved to the rear of the proposed addition & that the plans are not finalized. Bevacqua cautioned them that they may need to come back to the Board. Hairston stated that he would use the plot plan as presented. Jeton added that they'd have to come back for the deck. Bevacqua pointed out that the drawings & the plot plan differ. Hairston explained that ledge may preclude the porch. Anderson informed them that the Board could vote tonight, or continue to 4/17/08 in order for them to finalize their proposal. Hairston stated that they wouldn't be available on 4/17. Anderson suggested the May meeting explaining that they need to show the building envelope on the plot plan & submit the amended certified plot plan. Jeton made a motion to continue the hearing to the May meeting. Baime seconded the motion & the Board voted unanimously to continue the hearing to the May meeting.

The meeting adjourned at 9:12 p.m.